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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,746	10/02/2003	Kenneth Salwitz	13910-012001/2003P00027US	6621

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EXAMINER

KARDOS, NEIL R

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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08/04/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/678,746	Applicant(s) SALWITZ ET AL.	
	Examiner Neil R. Kardos	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,19-24 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,19-24 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This is a **NON-FINAL** Office Action on the merits in response to the request for continued examination filed on February 12, 2010. Currently, claims 1-6, 8-10, 19-24, and 26-28 are pending.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 12, 2010 has been entered.

Response to Amendment

Applicant's amendments to the claims are sufficient to overcome the § 101 rejections and claim objections set forth in the previous office action.

Response to Arguments

Applicant's arguments filed on February 12, 2010 have been fully considered but they are not persuasive. Applicant argues that Wood does not disclose "augmenting, via the processing device, the simulation version by associating second objects with the first objects, . . . the first objects not changing when the simulation version is augmented thereby maintaining an original

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version of the project baseline despite subsequent baseline changes." Regarding this argument, Examiner respectfully disagrees.

This limitation is taught explicitly by Wood: "In the preferred embodiment of the present invention, a user of NST 140 makes two copies of the initial NST baseline file. One copy will be used for tracking project progress through statusing in NST 140 and the other will retain the original plan. NST 140 is utilized so that new baselines are "snapped" to a current status using only the statused one of the two baseline files." (Column 23: line 64 through column 24: line 7; see also column 11: lines 12-15, disclosing producing numerous versions of NST file 512 containing baseline data; column 21: lines 30-35, disclosing that previously archived baseline data can be restored). Furthermore, each of the baseline files has "objects" (i.e. data records) that are associated with one another. (See column 10: line 63 through column 11: line 6, disclosing statusing a baseline by transferring status data to PMT file from NST file; column 17: line 60 through column 21: line 19, disclosing transferring status data associated with initial baseline data and creating separate status data files with data that is associated with the initial baseline; column 21: lines 49-54, disclosing data items in a current baseline record and a baseline archive that have the same identification number; column 23: lines 34-58).

In other words, Wood teaches augmenting a simulation version of a project baseline by associating sets of objects (via Wood's identification numbers in each of the baseline files), where a set of objects is maintained in an original version despite subsequent changes (Wood's original plan baseline file). Thus, Wood teaches the claimed limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood (US 5,381,332).

Claim 1: Wood discloses a method performed on a processing device, comprising:

- storing, via the processing device, a simulation version of a project baseline, the simulation version comprising first objects that define elements of the project baseline (see column 10: lines 51-62, disclosing creating a project baseline; column 11: lines 35-40, disclosing storing the baseline; figure 9A: item 19; column 10: lines 40-50);
- copying, via the processing device, the simulation version to create an operative version of the project baseline (see figure 9A: item 11, disclosing transferring the initial baseline from viewpoint to control; figure 10: items 1010 and 11, disclosing transferring the initial baseline; column 10: lines 40-63, disclosing transferring a baseline; column 21: lines 20-35);
- augmenting, via the processing device, the simulation version by associating second objects with the first objects, the first objects being separate from the second objects and the first objects not changing when the simulation version is

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augmented thereby maintaining an original version of the project baseline despite subsequent baseline changes (see figure 9B: item 28, disclosing transferring revisions to the baseline from viewpoint to control; figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 23: line 64 through column 24: line 7, disclosing an original plan baseline file and a statused file; see also column 11: lines 12-15, disclosing producing numerous versions of NST file 512 containing baseline data; column 21: lines 20-35, disclosing that previously archived baseline data can be restored; column 10: line 63 through column 11: line 6, disclosing statusing a baseline by transferring status data to PMT file from NST file; column 17: line 60 through column 21: line 19, disclosing transferring status data associated with initial baseline data and creating separate status data files with data that is associated with the initial baseline; column 21: lines 49-54, disclosing data items in a current baseline record and a baseline archive that have the same identification number; column 23: lines 34-58);

- changing, via the processing device, the operative version in connection with changes to the simulation version, the operative version comprising third objects that are changed in accordance with the second objects (see sections cited above);
- updating, via the processing device, a portion of the project baseline in the operative version that succeeds a time at which the operative version is changed

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(see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates);

- obtaining, via the processing device, an earned value for a project that corresponds to the updated project baseline, the earned value being obtained via the changed operative version (see figure 6, disclosing earned value calculations; column 8: lines 3-13, disclosing calculating earned value; column 8: lines 60-68, disclosing calculating earned value via budgeted cost of work performed; column 15: line 19 through column 16: line 25, disclosing a module for calculating earned value; column 18: lines 8-62, disclosing calculating budgeted cost of work performed).

Claim 2: Wood discloses wherein the earned value is obtained based on an amount of work done on the project and a pre-assigned value for the project baseline (see figure 6, disclosing different earned value types with pre-assigned percentages; column 8: lines 60-68, disclosing calculating budgeted cost of work performed; column 18: lines 8-62, disclosing calculating budgeted cost of work performed based on a completion value or work accomplished).

Claim 3: Wood discloses wherein the amount of work done corresponds to a portion of the project that has been completed (see sections cited above; the reference discloses determining the budgeted cost of work performed).

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Claims 19-21: Claims 19-21 are substantially similar to claims 1-3 and are rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 8-10, 22-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of "Microsoft Project 1998 Support Course" ("MSP 1998").

Claim 4: Wood does not explicitly disclose the limitations of this claim. MSP 1998 discloses wherein the project baseline comprises a number of tasks (see at least table on page 6-18), each of the tasks having an assigned value (see at least pages 6-23 through 6-25; 6-28; 6-31 and 6-32); and wherein obtaining the earned value comprises: determining which of the tasks has been completed; and combining assigned values for completed tasks (see table on page 6-28).

Both Wood and MSP 1998 are related to project management. Wood specifically discloses adapting the teachings disclosed in the Wood reference to operate in Microsoft Project (see column 6: lines 4-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to incorporate the earned value techniques of MSP 1998 into the invention disclosed by Wood. This combination of known

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elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 5: Wood does not explicitly disclose augmenting the simulation version with a task, the task being defined by the second objects, wherein the third objects account for the task prior to obtaining the earned value. However, Wood does disclose augmenting the simulation version by altering the baseline (see figure 10: items 1014 and 28, disclosing transferring revisions to the project baseline; column 11: lines 7-40, disclosing altering the baseline while maintaining the original version in an archive; column 21: lines 20-35), and wherein the alterations are accounted for prior to obtaining the earned value (see *id.*). However, Wood does not disclose that the alteration is the addition of a task. MSP 1998 discloses tasks (see page 6-33; also note that Microsoft Project allows users to add tasks/projects and recalculate earned values). Furthermore, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to add tasks to a project (e.g. Microsoft Project allows this). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to alter the project baseline of Wood by adding a task. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claim 6: Wood discloses wherein augmenting comprises adding second objects to the simulation version but keeping the second objects separate from the first objects (see at least column 11: lines 35-40, disclosing archiving the original baseline).

Claim 8: Wood discloses wherein a portion of the operative version that precedes a time that the task is incorporated is unchanged (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 9: Wood discloses wherein a portion of the operative version that succeeds a time that the task is incorporated is changed (see column 10: line 63 through column 11: line 6, disclosing updating the status of the baseline based on actual start and completion dates).

Claim 10: Wood and MSP 1998 do not explicitly disclose wherein the task is selected from among other tasks for mapping to the operative version. However, Examiner takes Official Notice that it was well-known in the art at the time the invention was made to use a selection mechanism to make decisions on a computer (e.g. a drop-down box). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select tasks for addition to the operative version disclosed by Wood. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art.

Claims 22-24 and 26-28: Claims 22-24 and 26-28 are substantially similar to claims 4-6 and 8-10 and are rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. Kardos whose telephone number is (571) 270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos
Examiner
Art Unit 3623

/Neil R. Kardos/
Examiner, Art Unit 3623

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Primary Examiner, Art Unit 3623